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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,582	11/13/2003	Wayne Franklin Chip Burton JR.	009.4040	1700
29906	7590	09/19/2007	EXAMINER	
INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251			RANGREJ, SHEETAL	
		ART UNIT	PAPER NUMBER	
		3626		
		MAIL DATE	DELIVERY MODE	
		09/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,582	CHIP BURTON ET AL.	
	Examiner	Art Unit	
	Sheetal R. Rangrej	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 November 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/05/2006</u> | 6) <input type="checkbox"/> Other: _____ |

Prosecution History Summary

- Claims 1-16 are pending.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following figures and reference characters mentioned in the description: figure 6 and figure 7; '205' (figure 2). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "104" and "104A" have both been used to designate "EAIA1"; because reference characters "106" and "106A" have both been used to designate "defibrillator operator 1" and "EAIA" (figure 3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement

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Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Haller et al. (U.S. Publication No. 2002/0013613).

5. As per claim 1, Haller teaches a method of compensating an operator of a defibrillator for expenses incurred as a result of using the defibrillator, the method comprising the steps of:
-receiving a pre-determined monetary amount from the operator (**Haller: para. 0178**);
-maintaining a contractual relationship with the operator for a period of time in exchange for the pre-determined monetary amount (**Haller: para. 0191**); and
-re-imbursing the operator for at least a portion of the expenses incurred as a result of using the defibrillator if the defibrillator is used during the period of time (**Haller: para. 0178; para. 0188**).

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6. As per claim 2, the method of claim 1 is as described. Haller further teaches wherein maintaining step comprises maintaining contractual relationships with a plurality of operators (**Haller: para. 0191**).

7. As per claim 3, the method of claim 2 is as described. Haller further teaches further comprising the step of allocating the expenses across the plurality of operators (**Haller: para. 0189**). The examiner interprets that allocation of expenses were done due to reimbursements.

8. As per claim 4, the method of claim 1 is as described. Haller further teaches wherein the receiving step is executed upon purchase of the defibrillator (**Haller: para. 0185**). The examiner interprets that receiving a service and providing a charge for the service is the same as receiving an amount from the operator at the time of purchase.

9. As per claim 5, the method of claim 4 is as described. Haller further teaches wherein the receiving step is executed at a regular interval corresponding to the period of time (**Haller: para. 0188-0189**).

10. As per claim 6, the method of claim 5 is as described. Haller further teaches wherein the regular interval further corresponds to a period of contract for maintenance of the defibrillator (**Haller: para. 0189**).

11. As per claim 7, the method of claim 5 is as described. Haller further teaches wherein the period of time is annually (**Haller: para. 0191**).

12. As per claim 8, the method of claim 5 is as described. Haller further teaches wherein the period of time is monthly (**Haller: para. 0191**).

13. As per claim 9, the method of claim 4 is as described. Haller further teaches wherein the receiving step is executed in conjunction with receipt of a lease payment (**Haller: para. 0191**).

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14. As per claim 10, the method of claim 1 is as described. Haller further teaches further comprising the step of requesting compensation for the reimbursement provided in the reimbursing step from a patient (**Haller: para. 0178; para. 0188**).

15. As per claim 11, the method of claim 1 is as described. Haller further teaches wherein the period of time continues in perpetuity (**Haller: para. 0191**).

16. As per claim 12, Haller teaches a method of insuring against costs associated with defibrillator use, the method comprising:

-establishing contractual relationships with a plurality of defibrillator operators, each contractual relationship comprising a period of time (**Haller: para. 0191**);

-receiving premium payments from each of the defibrillator operators (**Haller: para. 0176**); and

-providing reimbursement to one of the plurality of defibrillator operators for the costs associated with defibrillator use if a defibrillator event occurs during the period of time (**Haller: para. 0178; para. 0188**).

17. As per claim 13, the method of claim 12 is as described. Haller further teaches further comprising the step of seeking compensation for the reimbursement from a patient (**Haller: para. 0178; para. 0188**).

18. As per claim 14, the method of claim 12 is as described. Haller further teaches further comprising the step of seeking compensation for the reimbursement from an insurance carrier associated with the patient (**Haller: para. 0178; para. 0188**).

19. System claim 15 repeat the subject matter of claim 1 as a set of “means-plus-function” elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Haller in the above rejection of claim 1, it is readily apparent that

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the Haller reference includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claim 1 and incorporated herein.

20. System claim 16 repeat the subject matter of claim 12 as a set of "means-plus-function" elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Haller in the above rejection of claim 12, it is readily apparent that the Haller reference includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claim 12 and incorporated herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheetal R. Rangrej whose telephone number is 571-270-1368. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRR

*sRR
9/14/07*



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PRIMARY EXAMINER
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